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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,314	10/06/2003	Chih-Hsiang Yang		4164

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,314

Applicant(s)

YANG, CHIH-HSIANG

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 3-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is only one cable that is bent in a U shape section in order to go through portion 24.

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term steel cable is incorrect. "cable" refers to elongate objects that does not have any rigidity along its longitudinal direction.

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (6386362), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of the Prior Art, and further in view of either Cheng (6564937) or Han (6098797). Cheng teaches a golf bag having a bag having a top opening and a bottom, a bending cable 64, a bottom portion connected to the bottom of the bag having a fixed portion 30, a bending portion 20, pivotal sections 60 located on a top of the bag 60, two support arm 62, pivotal between open and closed positions and having a first end pivotally connected to the pivotal section, an embedding 24, two steel cables, one of the steel cable s is connected at a first end to the first end of one of the two supporting arms and a second end to the embedding element and a fixing plate connected to center sections of two steel cables.

It is noted that applicant defines resilient members 15 as steel cable. There is no different between the resilient portion 64 and the “steel cable” as set forth in the claim.

Regarding claim 4, note the opening 80 in Fig. 7.

In the alternative, the admitted Prior art teaches two cables 15, it would have been obvious to one of ordinary skill in the art to use two cables as taught by the admitted Prior art to provide an alternative resilient means.

With respect to the hole in the lower bag, either Cheng ‘937 or Han teaches that it is known in the art to provide the lower hole at 22, 20c, It would have been obvious to one of ordinary skill in the art to provide the hole at the lower portion of the bag as taught by Cheng ‘937 or Han to provide the desired placement of the hole.

4. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant asserts that Cheng does not teach a bending portion pivotally connected to the fixed portion by the bending cable. The examiner submits that the portion 24 is the pivoting point for the two cables as claimed. With respect to the two steel cables, it is noted that the claimed two cables must be bend to enable it to go through portion 24 as claimed, as shown in Fig. 6 and 7.

Applicant's two steel cables is the same as the resilient portion 64 in Cheng. There is no structural differences between the two steel cables and the cable in Cheng. With respect to the cable connected at the first end, it is noted that the term “end” is broad and encompassing at least 50 percent of the length. Thus, the cable in Cheng is connected to the first end of the supporting arms as claimed. With respect to the lower opening, it is noted that the term lower opening does not imply the opening is on the lower portion of the bag. In the very least the opening in Cheng is on lower than at opening portion of the bag 14.

Art Unit: 3727

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

